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Claims 5-8, 10-13 and 15-20 are pending in this application.

**Claim Rejections – 35 USC § 102**

Claims 6, 15, 18, 20 have been rejected under 35 U.S.C. 102(e) as being anticipated by Dippold (U.S. 2002/0133479 A1).

Dippold describes a market research database that facilitates the management of, and access to, information related to product categories. This system collects data about products from various sources and links this information by UPC code. See paragraphs [0007], [0024], [0025] and [0033]. The thus correlated information can be retrieved by UPC code, and on a selective basis can be made available for purchase by third parties on a controlled and restricted basis. See Paragraph [0008].

The Outstanding Office Action states that paragraph [0002] teaches a targeted opportunity assessment. However, the information provided at this paragraph of Dippold relates to background market research data provided by a commercial source such as A.C. Nielsen Company. This data thus relates to general trends with respect to a demographic of purchasers, and does not provide a “targeted opportunity assessment at least partially customized for the intended end user” as required by the present claims.

The system discussed in Dippold is in fact, identified in the present application as one of the data inputs to be contained in the supporting database. See instant page 9, line 11, which describes the market research data provided by the A.C. Nielsen Company. The data as described in Dippold therefore represents only the first step of the presently claimed process (i.e. “obtaining data”). Claim 6 then carries out two subsequent steps, which comprise performing a subsequent automated analysis on the obtained data, and then generating the targeted opportunity assessment at least partially customized for the intended end user.

As can be seen in the Assessments and Analysis reports of Figs 9A-F, the report as claimed is not a mere communication of identified data from various databases, but an integrated category management report that provides a sophisticated retail marketing plan.

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Because the disclosure of Dippold stops at the first step of the three part process recited in claim 6, the present claims are not anticipated by this reference.

Claim 15 has specifically been discussed in the outstanding 102(e) rejection, stating that Dippold discloses pricing suggestions at paragraph 0020. It is respectfully submitted that this disclosure relates to historical pricing information of products purchased by panelists, and does not describe pricing suggestions.

Claim 18 has specifically been discussed in the outstanding 102(e) rejection, focusing on the consumer assessment report segment. As discussed above, the data described in paragraph 0002 of Dippold is an input of the presently claimed method, and is clearly not a targeted opportunity assessment at least partially customized for the intended end user. While a report prepared in accordance with the present invention will include data in support of the complete targeted opportunity assessment, the assessment itself that is at least partially customized for the intended end user must be provided in order to fall within the scope of the claims. The Dippold database clearly falls short of describing the presently claimed method.

Claim 20 has specifically been discussed in the outstanding 102(e) rejection, focusing on the preferred embodiment where one of the data sets relates to cereals. As noted above, however, the disclosure of Dippold stops at the first step of the three part process recited in claim 6. Applicant does not claim to be the first to present data related to breakfast cereals, but does claim to be the first to obtain data, perform a subsequent automated analysis on the obtained data, and then generate a targeted opportunity assessment at least partially customized for the intended end user. It is respectfully submitted that the present claims are not anticipated by this reference.

#### **Claim Rejections – 35 USC § 103**

Claim 5 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Dippold (U.S. 2002/0133479 A1) as applied to claim 6 above.

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As noted above, Dippold does not perform analysis on the collected data that would generate a targeted opportunity assessment at least partially customized for the intended end user. Claim 5 relates to dynamically including or excluding further detailed information from the report depending on whether additional analysis results are available. Because Dippold does not perform analysis as presently claimed, claim 5 is not obvious from the Dippold disclosure.

Claims 7-13, 16, 17 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dippold (U.S. 2002/0133479 A1) as applied to claim 6 above, and further in view of McConnell et al (U.S. 2001/0049690 A1).

McConnell discloses an inventory control system that monitors the effective velocity of items through a store or warehouse. This system provides effective inventory control (i.e., tells the store manager when to restock product), which is very useful and important in operating a store or a group of stores. The nuts and bolts operation of inventory management, however, is at a different operational level from product category management.

Inventory management makes sure that product is placed on the shelf. Integrated category management recognizes that staying with established stocks of products can actually lead to decreased product sales, diminished customer satisfaction and mundane appearance, in turn leading to declining revenue. By definition, an integrated category management report that is targeted opportunity assessment and market analysis evaluates the mix of products and brands, and identifies combinations to yield better results, generate more sales and improve customer satisfaction. See instant paragraph [0004]. The present invention provides an integrated category management report using automated analysis that is a targeted opportunity assessment and market analysis at least partially customized for the intended end user. By using the steps set forth in the instant claims, the resulting report is focused for the intended end user, timely, and contains more relevant information and recommendations than was ever possible before the present invention.

In short, Dippold discloses a market research database, and McConnell discloses an inventory control system. These two systems are separate tools that are addressed to

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different professionals in the retail industry – the marketer and the store manager. It is respectfully submitted one would not have been motivated to combine these references. Additionally, even if one would combine the references, they fall far short of teaching or suggesting an integrated category management report using automated analysis that is a targeted opportunity assessment and market analysis at least partially customized for the intended end user, as presently claimed.

Claims 7, 12 and 13 have specifically been discussed in the outstanding 103(a) rejection, focusing on the preferred embodiments where a report is delivered over a network, the Internet or a LAN. As noted above, the references fail to teach or suggest an integrated category management report as presently claimed. Because the present report itself is not obvious as discussed above, dependent claims additionally reciting the method of communicating the report are also not obvious.

Claim 8 has specifically been discussed in the outstanding 103(a) rejection, focusing on the preferred embodiment where the integrated category management report includes interactive fields, citing to Dippold paragraph [0036] that teaches about refreshing the information in the database. However, an interactive field as defined in the present specification at paragraph [0057] on page 20 is a field that a user can "click" on or otherwise select portions thereof and additional detail can be displayed in response to provide a targeted tactical drilldown. This is a different concept from that taught in the discussed portion of Dippold.

Claim 10 has specifically been discussed in the outstanding 103(a) rejection, focusing on the preferred embodiment where further detailed information can be dynamically included or excluded from the integrated category management report depending on whether additional analysis results are available. As noted above, the references fail to teach or suggest an integrated category management report as presently claimed. Because the present report itself is not obvious as discussed above, dependent claims additionally reciting the dynamic inclusion or exclusion of information from this report also is not obvious.

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Claim 11 has specifically been discussed in the outstanding 103(a) rejection, focusing on the preferred embodiment where a score card is provided that tracks the category management over time.

In the present specification, a score card is defined in paragraph [0016] as a formatted presentation tracking retailer progress after objectives and action plans have been defined. In contrast, paragraph [0033] of Dippold does not describe a score card, but rather discusses "scoring rules" for a data mining software program. Thus, the subject matter of the present claim is in no way taught or suggested by Dippold.

Claims 16 and 17 have specifically been discussed in the outstanding 103(a) rejection, focusing on the preferred embodiment where the report includes at least one suggestion for improving the sales of a category of products. (Note that claim 17 relates to the embodiment where the report includes at least one report segment selected from the group consisting of consumer assessment, category assessment, pricing analysis, promotion analysis, placement analysis, and product assortment analysis. This feature is not further discussed in this portion of the rejection.)

It is respectfully submitted that the teachings of McConnell are not directed to suggestion for improving the sales of a category of products, but rather directed to methods to identify out-of-stock situations and to predict these situations for inventory control. As discussed above, an integrated category management report that is targeted opportunity assessment and market analysis evaluates the mix of products and brands, and identifies combinations to yield better results, generate more sales and improve customer satisfaction. The integrated category management report as claimed is not suggested by an inventory control method as described in McConnell.

Claim 19 has specifically been discussed in the outstanding 103(a) rejection, focusing on the preferred embodiment where the data sources include a planogram.

As noted above, the references fail to teach or suggest an integrated category management report as presently claimed. Because the present report itself is not obvious

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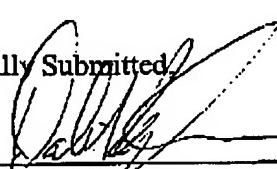
as discussed above, dependent claims additionally reciting the inclusion of a planogram in the report of the inventive method also is not obvious.

### CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that the present application is now in condition for Allowance. Early favorable consideration and passage of the above application to issue is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any issues in the application, the Examiner is invited to contact said attorney at (651) 275-9811.

Respectfully Submitted,

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